## UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/803,928 | 03/13/2001 | Justin Charles Moodie | 11266/102 | 9072 |

7590          09/08/2003

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2171 | |

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *Jul 21, 2003* _____.

2a) ☒ This action is **FINAL.**       2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-26* _____ is/are pending in the application.

     4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-26* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *Mar 13, 2001* is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some* c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.      Claims 1, 2, 5-7, 10-14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Pat No. 5,742,905 issued to Pepe et al (hereafter Pepe '905), and further in

view of Pub No US 2002/0161658 issued to Sussman, (hereafter Sussman '658).

**Claims 1, 2, 5-7, 11, 14, 16, 19 and 20:**

Pepe '905 discloses:

entering at a first communications terminal one or more data items [Fig 1, 22]

transmitting said data items together with a first user identity code [col 6, lines 34-42] to a

database server [Fig 2, 44 and col 6, lines 23-27] over a first communications network [Fig 1, 29]

transmitting a retrieval request [col 7, lines 49-59] together with a second user identity code [col

6, lines 34-42] from a second wireless communications terminal [Fig 1, 30] to said database

server over a second communications network [Fig 1, 39], wherein the second communications

terminal is a wireless terminal and the second communications network is a wireless network

if said first user identity code [col 6, lines 34-42] matches said second user identity code,

receiving at least some of said one or more data items [col 17, lines 4-12].

Pepe '905 fails to disclose a shopping list or recipe.

Sussman '658 discloses a shopping list or recipe.

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Pepe '905 to include a shopping list or recipe as taught by Sussman '658.

The ordinarily skilled artian would have been motivated to modify Pepe '905 for the

purpose of making use of the Internet [paragraph 0005].

**Claim 10:**

Pepe '905 discloses:

storing a plurality of sets of data and corresponding set identity codes [col 7, lines 3-15]

receiving a set identity code over a wireless communications network from a first wireless

communications terminal [Fig 1, 30]

retrieving one of said set of data from the database corresponding to said identity code [col 17,

lines 4-12]

transmitting said set of data to said first communications terminal [Fig 1, 30] or to a second

communications terminal

Pepe '905 fails to disclose a set of data including either a shopping list or a recipe.

Sussman '658 discloses a shopping list or recipe.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pepe '905 to include a shopping list or recipe as taught by Sussman '658.

The odinarily skilled artisan would have been motivated to modify Pepe '905 as above for the purpose of making use of the Internet [paragraph 0005].

**Claim 11:**

Pepe '905 discloses transmitting the data to a second communications terminal [Fig 1, 22].

**Claim 12:**

Pepe '905 discloses the second communications terminal is a fixed terminal [Fig 1, 22].

**Claim 13:**

Pepe '905 discloses the second communications terminal [Fig 1, 22] transmits data to a first wireless terminal [Fig 1, 30]

**Claim 17:**

Pepe '905 discloses the elements of claim 10 as noted above.

Pepe '905 fails to disclose a list of alphanumeric items.

Official Notice is taken that alphanumeric items are well-known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include alphanumeric items in Pepe '905.

The ordinarily skilled artisan would have been motivated to modify Pepe '905 as above for the purpose of providing instructions which are understandable by a computer.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Pepe '905 and Sussman '658 as applied to claim 1, and further in view of USPAT

6,295,530 issued to Ritchie et al (hereafter Ritchie '530).

**Claims 3 and 4:**

The combination of Pepe '905 and Sussman '658 disclose the elements of the claimed

invention as noted above.

The combination of Pepe '905 and Susman '658 fails to disclose indexing said data items

on said database according to said first user identity.

Ritchie '530 discloses indexing said data items on said database according to said first user

identity [col 15, line 65 through col 16, line 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the combination of Pepe '905 and Sussman '658 to include indexing said data

items on said database according to said first user identity as taught by Ritchie '530.

The ordinarily skilled arisan would have been moivated to modify the combination of Pepe

'905 and Sussman '658 for the purpose of making it possible for the processor to respond to a

URL in different ways [col 16, line 5].


Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe '905

in view of US Pat No 6,519,144 issued to Henrie et al (hereafter Henrie '144) and further in view

of USPAT 6,295,530 issued to Ritchie et al (hereafter Ritchie '530) and Sussman '658.

**Claim 8:**

Pepe '905 discloses storing data records each including a data code [col 6, lines 34-42], receiving a data code and a user identity code from a wireless communicatons terminal over a wireless communications network [Fig 1, 30], retrieving one of said data set records corresponding to said received data code [col 17, lines 4-12].

Pepe '905 fails to disclose storing data set records and a set of data items.

Henrie '144 discloses storing data set records and a set of data items [col 8, lines 35-42].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pepe '905 to include storing data set records and a set of data items as taught by Henrie '144.

The ordinarily skilled artisan would have been motivated to modify Pepe '905 for the purpose of updating information, files, schedules [col 8, line 40].

**Claim 8 ...cont**

The combination of Pepe '905 and Henrie '144 discloses the elements of claim 8 as noted above.

The combination of Pepe '905 and Henrie '144 fails to disclose adding the set of data items from said retrieved data set record to a user data record indexed according to said received identity code.

Ritchie '530 discloses adding the set of data items from said retrieved data set record to a

user data record indexed according to said received identity code [col 15, line 65 through col 16,

line 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the combination of Pepe '905 and Henrie '144 to include adding the set of data

items from said retrieved data set record to a user data record indexed according to said received

identity code as taught by Ritchie '530.

The ordinarily skilled artisan would have been motivated to modify the combinaton of

Pepe '905 and Henrie '144 for the purpose of making it possible for the processor to respond to a

URL in different ways [col 16, line 5].

**Claim 8 ....cont**

The combination of Pepe '905, Henrie '144 and Ritchie '530 discloses the elements of

claim 8 as noted above.

The combination of Pepe '905, Henrie '144 and Ritchie '530 fails to disclose a shopping

list or a recipe.

Sussman '658 discloses a shopping list or recipe [abstract]

It wouldhave been obvious to one of ordinary skill in the art at the tie the invention was

made to modify the combination of Pepe '905, Henrie '144 and Ritchie '530 to include a

shopping list or recipe as taught by Sussman '658.

The ordinarily skilled artisan would have bee motivated to modify the combination of Pepe

'905, Henrie '144 and Ritchie '530 for the purpose of making use of the Internet [paragraph

0005].

**Claim 9:**

Pepe '905 discloses the data code is displayed in the vicinity of the wireless

communications terminal [col 6, lines 34-42]

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Pepe '905 and Sussman '658 and further in view of USPAT 5,485,519 issued to Weiss

(herafter Weiss '519).

**Claim 15:**

The combination of Pepe '905 and Sussman '658 discloses the elements of claims 10, 11

and 14 as noted above.

The combination of Pepe '905 and Sussman '658 fails to disclose a portable token.

Weiss '519 discloses a portable token [abstract]

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the combination of Pepe '905 and Sussman '658 to include a portable token as

taught by Weiss '519.

The ordinarily skilled artisan would have been motivated to modify the combination of Pepe '905 and Sussman '658 as above for the purpose of providing a secure code for an authorized user [abstract].

Claims 18, 21, 22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pepe '905 and Sussman '658 and further in view of USPAT 6,496,692 issued to Shanahan (hereafter Shanahan '692).

**Claims 18, 21, 24 and 25:**

The combination of Pepe '905 and Sussman '658 discloses the essential elements of the claimed invention as noted above.

The combination of Pepe '905 and Sussman '658 fails to disclose a video clip.

Shanahan discloses a video clip [col 3, line 32].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pepe '905 and Sussman '658 to include a video clip as taught by Shanahan '692.

The ordinarily skilled artisan would have been motivated to modify the combination of Pepe '905 and Sussman '658 as above for the purpose of providing a video display [col 1, line 17].

Regarding claim 22, Pepe '905 discloses selecting said data receiver from a plurality of data receivers according to said variable code [Fig 1, 30]

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Pepe '905, Sussman '658 and Shanahan '692 and further in view of USPAT 5,933,816 issued

to Zeah et al (hereafter Zeah '816).

**Claim 23:**

The combination of Pepe '905, Sussman '658 and Shanahan '692 discloses the elements of

claim 21 as noted above.

The combination of Pepe '905, Sussman '658 and Shanahan '692 fails to disclose a

transaction between the user of the wireless communication terminal and the selected data

receiver.

Zeah '816 discloses a transaction between the user of the wireless commination terminal

and the selected data receiver [abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the combination of Pepe '905, Sussman '658 and Shanahan '692 to include a

transaction between the user of the wireless commination terminal and the selected data receiver

as taught by Zeah '816.

The ordinarily skilled artisan would have been motivated to modify the combination of

Pepe '905, Sussman '658 and Shanahan '692 as above for the purpose of allowing a financial

institution to provide financial services to a plurality of remote devices [abstract].

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Pepe '905, Sussman '658 and Shanahan '692 and further in view of USPAT 6,424,749 issued

to Zhu et al (hereafter Zhu '749).

Claim 26:

The combination of Pepe '905, Sussman '658, Shanahan '692 and Shanahan '692

discloses the elements of claims 21 and 25 as noted above.

The combination of Pepe '905, Sussman '658, Shanahan '692 and Shanahan '692 fails to

disclose a carrier bearing a computer program.

Zhu '749 discloses a carrier bearing a computer program [claim 12].

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the combination of Pepe '905, Sussman '658, Shanahan '692 and Shanahan '692

as taught by Zhu '749

The ordinarily skilled artisan would have been motivated to modify the combination of

Pepe '905, Sussman '658, Shanahan '692 and Shanahan '692 as above for the purpose of format

conversion for use with images containing mixed video and computer generated imagery

[abstract] .

### Response to Arguments

3.      Applicant's arguments filed 7/21/2003, have been fully considered but they are not

persuasive.

Applicant states on page 8, "With specific regard to claims 1, 5, 6, 10, 19 and 20, Pat '905 does not describe either a shopping list or a recipe." Examiner is partially persuaded and thus above new rejection is provided in view of Sussman '658. Applicant essentially repeats the same argument in pages 9-12. Applicant referred to supra office action for the new rejection in view of Sussman '658.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing

procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

September 3, 2003

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